


**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>No. 3:01cr104-05</b>
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>JOSE OSEGUERA RODRIGUEZ,</b>	)	
	)	
<b>Defendant</b>	)	

Defendant **JOSE OSEGUERA RODRIGUEZ** moves the Court for modification of his imposed sentence. The Motion is **DENIED**.

The defendant is not eligible for a reduction pursuant to Amendment 706. According to the Presentence Report prepared for the above referenced case, the controlled substance related to this offense was cocaine powder not crack cocaine.

Signed: February 17, 2010

  
\_\_\_\_\_  
Frank D. Whitney  
United States District Judge

